



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

HORTON *et al.*

Appl. No.: 09/557,907

Filed: April 21, 2000

For: **Methods for Treating Cancer Using  
Cytokine-Expressing Polynucleotides**  
(as amended)

Confirmation No.: 9397

Art Unit: 1632

Examiner: Wilson, Michael C.

Atty. Docket: 1530.0060004/EKS/EJH

**Third Supplemental Information Disclosure Statement**

**RECEIVED**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**MAR 08 2004**

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this Third Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' Second Supplemental Information Disclosure Statement filed on August 21, 2002 in connection with the above-captioned application. A copy of each document is also provided.

The Examiner is referred to the following related, co-pending patent applications:

U.S. Patent Application No. 10/360,645, filed February 10, 2003, Wolff *et al.*, and now published as U.S. Published Application No. 2003/0186913 A1, listed as Document **AJ2**;

U.S. Patent Application No. 10/387,525, filed March 14, 2003, Felgner *et al.*, and now published as U.S. Published Application No. 2004/0023911 A1, listed as Document **AK2**;

U.S. Patent Application No. 10/732,416, filed December 11, 2003, inventors Felgner *et al.*, listed as Document **AS42**.

The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to this application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

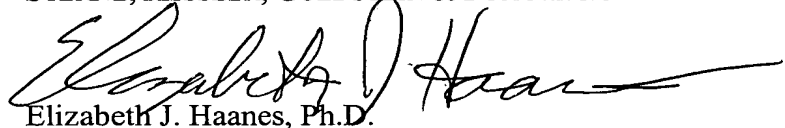
This Third Supplemental Information Disclosure Statement is being filed before the mailing date of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO 1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Elizabeth J. Haanes, Ph.D.

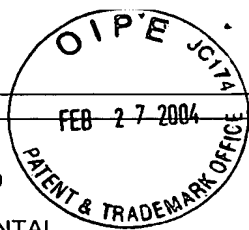
Attorney for Applicants

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Date:

Feb. 27, 2004

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FORM PTO-1449

THIRD SUPPLEMENTAL  
INFORMATION DISCLOSURE STATEMENTATTY. DOCKET NO.  
1530.0060004/EKS/EJH  
FIRST NAMED INVENTOR  
HORTON *et al.*APPLICATION NO.  
09/557,907FILING DATE  
April 21, 2000ART UNIT  
1632

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI2	5,910,488	06/08/1999	Nabel <i>et al.</i>			05/27/1994 § 102(e): 12/01/1995
	AJ2	2003/0186913 A1	10/02/2003	Wolff <i>et al.</i>			02/10/2003
	AK2	2004/0023911 A1	02/05/2004	Felgner <i>et al.</i>			03/14/2003

## FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

## OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR		
	AS	<u>42</u>	Copy of co-pending U.S. Application No. 10/732,416, inventors Felgner <i>et al.</i> , filed December 11, 2003
	AT		

EXAMINER

DATE CONSIDERED

**EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.